

# **Labour law aspects of employment of HIV positive persons**

## **Abstract**

This thesis describes and analyses problematics of employment of HIV positive persons. The main focus is on the labour law aspects which are specific or problematic regarding HIV positive persons. The text is divided into three chapters.

First chapter provides general information about HIV and AIDS and creates a basis for the whole thesis. The description is focused mainly on the medicinal aspects of HIV and AIDS (its progression, treatment, its spreading, means of contagion). Information about perception of the disease in society is also provided.

Second chapter revolves around aspects of employment relationships and agreements on work performed outside an employment relationship with HIV positive persons, as well as with employment of HIV positives in security and armed forces. One of the main themes of this chapter is assessment of medical fitness of job applicants and employees in relation with their HIV positivity. Other discussed topics are termination of employment relationships on grounds of employees state of health and personal data protection regarding HIV status of employees.

Third chapter analyses matters of discrimination of HIV positive persons in employment relationships. It aims to answer a question whether HIV can be considered a forbidden discriminatory reason on the basis of analysis of several international conventions, other international documents, European and Czech legislation. Furthermore, it summarizes possibilities of defense against discrimination and points out some problematic areas of anti-discriminatory legislation regulating legal relations of security forces. Last section analyses current case law regarding discrimination of HIV positive members of security forces and implies an impact of said case law on employment relationships.

At the end of this thesis are summarized and generalized basic acquired findings and the most problematic areas (in the author's opinion) of legislation regulating employment of HIV positive persons are highlighted.

**Key words:** Employment of HIV positive persons, discrimination on basis of HIV, assessment of medical fitness, personal data protection

